

**REMARKS**

In the present Office Action, claims 1-34 were pending before the Office. Of these, claims 1 and 18 were the only independent claims.

Claims 1-34 stand rejected under 35 U.S.C. § 103(a).

No claims are hereby added, amended, canceled, or withdrawn.

**A. THE REJECTION UNDER 35 U.S.C. § 103 IS CLEARLY NOT PROPER AND IS WITHOUT BASIS AS IT IGNORES EXPRESS CLAIM LANGUAGE SUCH AS "OF THE SIZE REQUIRED" AND "SMALLEST-SIZED GROUP ENTRY NECESSARY"**

Claims 1-34 stand rejected under 35 U.S.C. §103(a) as being obvious over the combination of U.S. Patent Publication No. 2001/0011338 to *Bonola* [hereinafter *Bonola*] and the conventional memory allocation process discussed in the "Background" section of Applicants' disclosure [hereinafter *the conventional memory allocation process*]. This rejection is respectfully traversed.

Independent claim 1 recites, *inter alia*

if the memory includes one or more sections of an unallocated size, allocating one of the sections of an unallocated size to the size required by the portion of the set of data thereby creating a section of a dynamically allocated size, the section of the dynamically allocated size including one or more group entries **of the size required** by the portion of the set of data, the dynamically allocated size being the **smallest-sized group entry necessary** to store the portion of the set of data.

Independent claim 18 corresponds generally to independent claim 1 and recites similar features in apparatus form.

Applicants respectfully submit that the rejection is clearly not proper and is without basis. Specifically, Applicants respectfully submit that neither *Bonola* nor *the conventional memory allocation process* disclose at least the above features of independent claims 1 and 18, for at least the reasons set forth herein. More particularly, it is submitted that the primary citation to *Bonola* fails to disclose (1) the **expressly** claimed dynamically allocated size including one or more group entries of the size required by the set of data, and (2) the **expressly** claimed dynamically allocated size being the smallest-sized group entry necessary to store the portion of the set of data. Accordingly, without conceding the propriety of the proposed combination, the proposed combination of *Bonola* and *the conventional memory allocation process* is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The Examiner contends that "in interpreting the limitation 'smallest sized group entry necessary to store the portion of the set of data', the examiner must consider that this 'smallest size' that is 'necessary' is a determination that is made by the system that is performing the method of the invention." *Final Office Action*, page 2. The Examiner goes on, to conclude that regarding "*Bonola*, the smallest size needed is equivalent to a heap sub region that is less than twice the memory required for the application." *Id.* Applicants respectfully maintain that such an interpretation ignores the terms "smallest" in combination with the term "necessary" for the reasons set forth previously.

Moreover, this rationale fails for a second reason. Such an interpretation completely ignores the **expressly** claimed language immediately above this feature: "the dynamically

allocated size including one or more group entries of the size required by the set of data." That is, the claims expressly recite not only "the smallest size... necessary", but that the size is "the size required by the set of data." In sharp contrast to either of these express claim features on their own, let alone in combination as recited, *Bonola* discloses, at best, larger than the smallest size necessary, and that size being a size that is not the size required.

The secondary citation to *the conventional memory allocation process* fails to remedy the above deficiencies in *Bonola*.

For the above-mentioned reasons, Applicants respectfully submit that the rejection is clearly not proper and is without basis. Accordingly, favorable reconsideration and withdrawal of the rejection under 35 U.S.C. § 103 are respectfully requested.

Applicants respectfully maintain that the prosecution record does not yet support the Office's contention that *the conventional memory allocation process* is in fact "prior art" or that such has been "admitted."

## **B. CONCLUSION**

Since Applicants assert that all the independent claims as amended are in condition for allowance and all remaining claims properly depend from the independent claims, Applicants assert that all claims are allowable.

Applicants do not believe a Request for Extension of Time is required but if it is, please accept this paragraph as a Request for Extension of Time and authorization to charge the requisite extension fee to Deposit Account No. 04-1696. Applicants do not believe any additional fees are due regarding

this Amendment. However, if any additional fees are required,  
please charge Deposit Account No. 04-1696.

Respectfully Submitted,



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